



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Effective Date: November 27, 2002

Wyoming Regulatory Office 2232 Dell Range Blvd., Suite 210 Cheyenne, Wyoming 82009

ANNOUNCEMENT OF REISSUANCE OF REGIONAL GENERAL PERMIT 92-02

The District Engineer, Omaha, U.S. Army Corps of Engineers, Nebraska, announces the re-issuance of Regional General Permit (GP) 92-02 for the discharge of dredge and/or fill material into waters of the U.S. in the State of Wyoming associated with:

- The construction of new boat ramps,
- The expansion, extension and modification of existing boat ramps,
- The construction of transfer walls and docks to service boat ramps, and
- The placement of protective fills immediately adjacent to proposed and existing ramps.

The permit terms and conditions have been modified from their previous limits.

The permit has been issued in accordance with the "Regulatory Programs of the Corps; Final Rule," as published in the Federal Register, Volume 51, Number 219, dated November 13, 1986, Part 325.5(c).

To obtain authorization for boat ramp projects under GP 92-02, all applicants must submit a Notice of Intent (NOI) in accordance with the application procedure described in Appendix B prior to undertaking any activities that require a discharge of dredge and/or fill material into waters of the U.S., including wetlands. Authorized activities identified in the Project Description section of the permit must meet the terms and conditions specified in Appendix A and the general condition section of the permit. In addition, the Environmental Protection Agency has the authority to place additional limitations on authorized activities under this permit as conditions of water quality certification required under Section 401 of the Clean Water Act.

Attachment

DEPARTMENT OF THE ARMY PERMIT

Permittee GENERAL PUBLIC

Permit No. 199222002 (GP 92-02) - Reissuance #2

Issuing Office OMAHA DISTRICT, CORPS OF ENGINEERS

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: This general permit authorizes the construction of new boat ramps, the expansion, extension and modification of existing boat ramps, the construction of transfer walls and docks to service boat ramps, and protective fills immediately adjacent to proposed and existing ramps. Permanent and temporary activities allowed in jurisdictional areas include, but are not limited to:

Boat Ramp Construction, Expansions and Extensions. Placement of dredge and/or fill material into rivers, lakes, and reservoirs. Includes base materials such as earth fill, gravel (pit run and road surface), concrete (poured and precast), and riprap. Excavation work required for placement of these materials is also authorized.

Transfer Walls. Pre-cast or poured concrete located parallel to ramps. Docks associated with walls are also authorized in Section 10 waters.

Temporary Cofferdams. Construction of temporary cofferdams made of substrate materials from the subject waterbody, upland, and/or commercial source. Cofferdams are to be for the purpose of ramp and transfer construction only.

No discharge is authorized until a letter of authorization is provided to the applicant by the Corps.

Project Location:

All waters of the U.S. in the State of Wyoming

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on November 30, 2007. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See Special Conditions on page 4.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

KURT F. UBBELOHDE

(DISTRICT ENGINEER)
COLONEL, CORPS OF ENGINEERS

BY: 

Nov. 13, 2002

(DATE)
KATHRYN M. SCHENK, CHIEF
REGULATORY BRANCH, OPERATIONS DIVISION

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

PERMITTEE: General Public
DA PERMIT NO.: 199222002

APPENDIX A SPECIAL CONDITIONS

All activities authorized under this permit must comply with the following special conditions:

1. **Cubic Yardage and Design Limits:** The maximum amount of permanent and temporary discharge of dredge and fill material in waters of the U.S. allowed under this permit is 4,000 cubic yards. Total width of ramps and associated fills cannot exceed 80 feet, including bank stabilization fills, landward from the bank line as well as waterward within the first 100 feet.
2. **Wetlands and Other Waters:** Total area of waters of the U.S. that can be affected by a single and complete project is 0.5 acres. Of that area, filling and other impacts (excavation, drainage, vegetation removal) to wetlands cannot exceed 0.1 acre for the project.
3. **Water Quality:** The permittee must comply with the conditions established by the Wyoming Department of Environmental Quality's Water Quality Division 401 certification issued September 5, 2002 (attached). For activities within the boundaries of the Wind River Indian Reservation, the Environmental Protection Agency will issue individual water quality certification in accordance with their authority under Section 401 of the Clean Water Act.
4. **Historic Properties:** No activity is authorized that would adversely impact sites included in the most current listing of the National Register of Historic Places, sites known to be eligible for such listing, sites included in the National Register of Natural Landmarks, or any other known historic, cultural, or archaeological sites. The District Engineer will comply with the provisions of 33 CFR Part 325, Appendix C, pursuant to the National Historic Preservation Act of 1966. Individual NOI's will be consulted on as appropriate.
5. **Threatened and Endangered Species:** No activity is authorized that is likely to jeopardize the continued existence of species, or their critical habitats, designated or proposed for designation as threatened or endangered pursuant to the Endangered Species Act of 1972. Individual NOI's will be consulted on as appropriate.
6. **Fens:** This permit is not applicable to activities that involve impacts to fens. Fens are defined as wetlands that contain (all or in part) soils classified as histosols or mineral soils with a histic epipedon.
7. **Springs:** This permit is not applicable to activities that involve impacts within 100 feet of the water source of natural spring areas. A spring source is defined as any location where there is artesian flow emanating from a distinct point. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.
8. **Spawning Areas:** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Species and time restrictions include: Rainbow and Cutthroat Trout 3/15-7/31 and Brown and Brook Trout 9/15-11/30.
9. **Tribal Rights:** No activity is authorized that would impair reserved tribal rights; including, but not limited to, water, fishing, and hunting rights.
10. **Suitable Fill Material:** No discharge may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts as required by Section 307 of the Clean Water Act. In Wyoming, the Corps issued a notice of prohibition against the use of certain materials as fill in a Public Notice dated March 21, 1994.

APPENDIX A
SPECIAL CONDITIONS CONTINUED

11. **Proper Maintenance:** Any fill authorized must be properly maintained, including maintenance necessary to ensure public safety.
12. **Water Supply Intakes:** No discharge may occur in the proximity of a public water supply intake.
13. **Wild and Scenic Rivers:** No discharge may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed discharge will not adversely effect the Wild and Scenic River designation, or study status.
14. **Stockpiling:** Temporary and permanent storage of excess soil, channel sediments, unwanted vegetation or other material in waters of the U.S. is not authorized. This does not prohibit the construction of temporary cofferdams.
15. **Minimization:** Permittees are required to minimize adverse effects of projects by:
 - a. Placing all construction debris (which includes excess dredge and/or fill materials, wood, cleared vegetation, concrete, and all other materials not specifically addressed in the permit) on upland in such a manner that it cannot enter a waterway or wetland.
 - b. Operating equipment that handles and/or conveys materials during construction to prevent dumping or spilling the materials into the water except as approved by the permit.
 - c. Performing work in the waterway in such a manner so as to minimize increases in suspended solids and turbidity that may degrade water quality and damage aquatic life outside the immediate area of operation.
 - d. Utilizing only clean riprap materials in order to avoid the introduction of fines that would result in excessive local turbidity.
 - e. Utilizing only clean rock material from a non-streambed source for riprap or associated with the placement of riprap. Use of streambed source materials for cofferdam construction is allowed, provided the material is returned to the source area and the bottom elevation is restored to pre-project contours.
 - f. Limiting clearing of vegetation to that which is absolutely necessary for construction of the project.
 - g. Conducting close coordination with downstream water users, advising them of any water quality changes to be caused by the construction.
 - h. Conducting all earthwork operations on shore in such a manner that sediment runoff and soil erosion to the water are controlled.
 - i. Complying with remedial measures given by the District Engineer if there has been notification that the filling and/or dredging activity associated with the project is adversely affecting fish or wildlife resources or the harvest thereof. This may include suspending or modifying the activity to the extent necessary to mitigate or eliminate the adverse effect.
 - j. Reseeding areas along banks which are disturbed or cleared with vegetation indigenous to the project area.
 - k. Ensuring that no petroleum products, chemicals, or other deleterious materials be allowed to enter or be disposed of in such a manner so that they could enter the water and that precautions be taken to prevent the entry of these materials into the water.

PERMITTEE: General Public
DA PERMIT NO.: 199222002

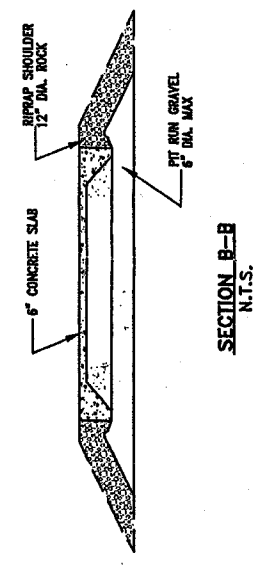
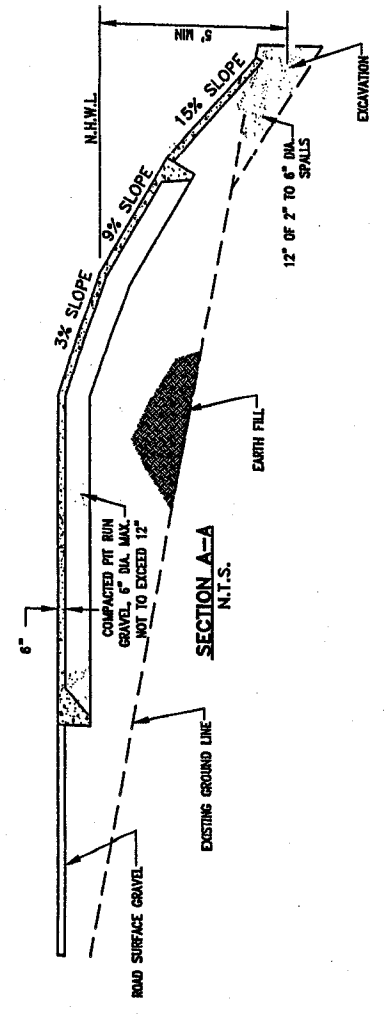
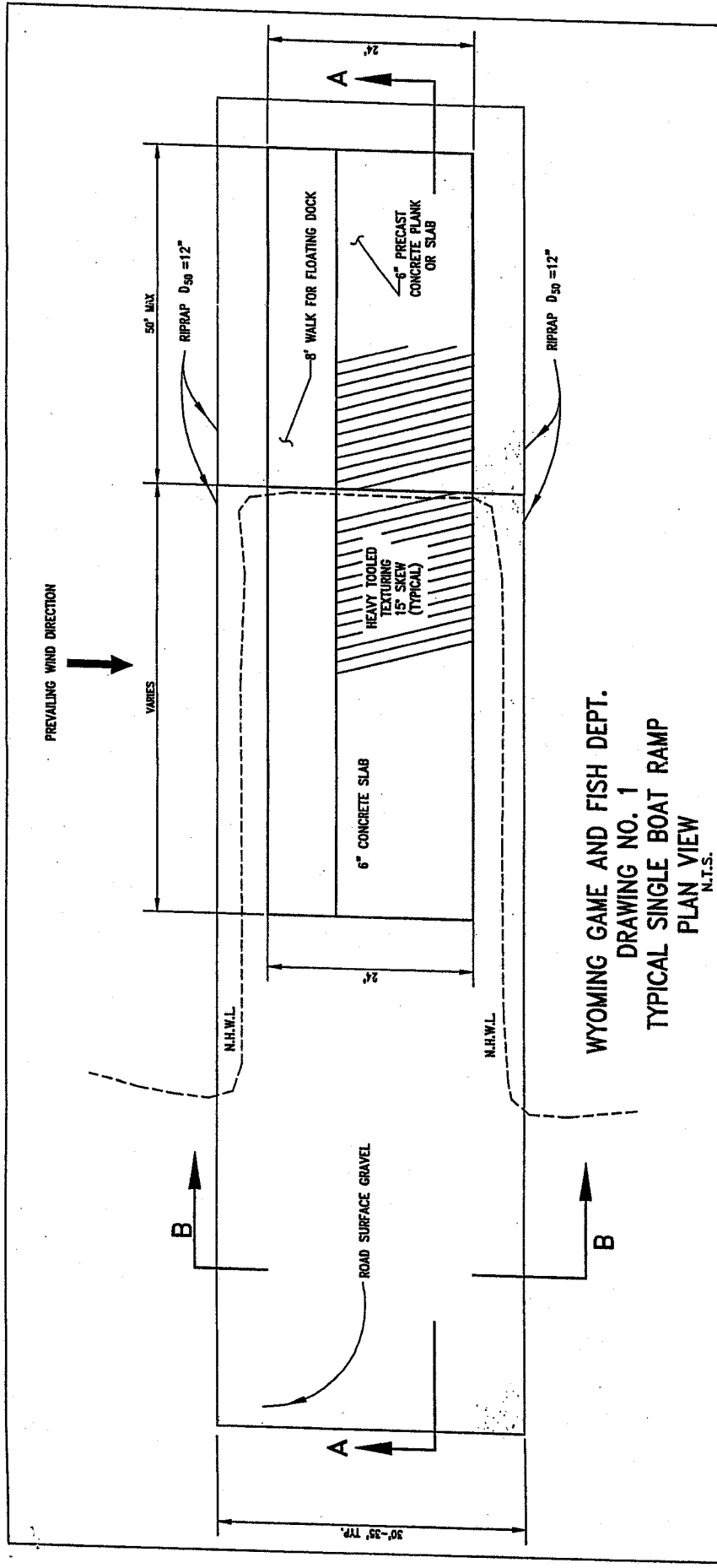
APPENDIX B APPLICATION PROCEDURE

All persons with a desire to construct boat ramp projects in accordance with General Permit (GP) 92-02 are required to submit a "Notice of Intent" (NOI) to the Corps at the following address at least 30 days prior to the anticipated start of construction.

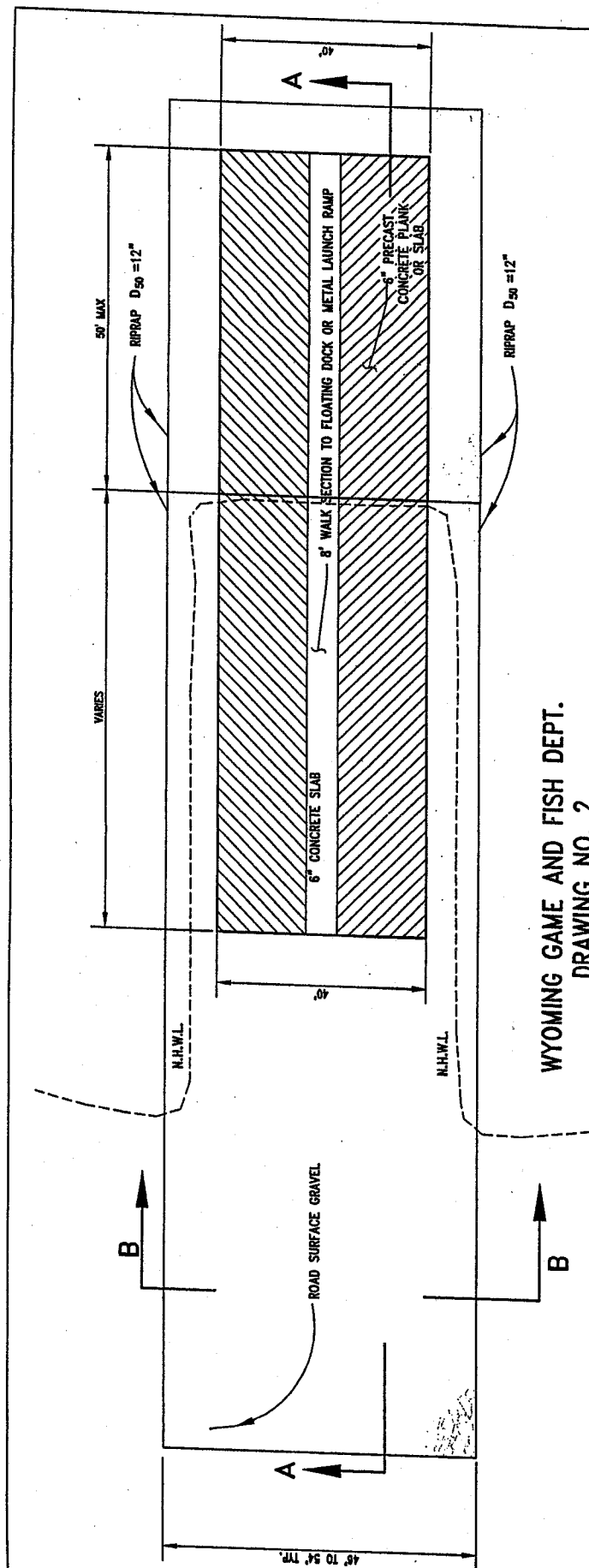
U.S. Army Corps of Engineers
Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, Wyoming, 82009-4942

All NOI's must contain sufficient information for the Corps to determine if a project complies with the terms and conditions of GP 92-02. All NOI's must contain the information described below. However, the Corps or EPA may require more detailed information if necessary to ensure compliance. No discharge is authorized until a letter of authorization is provided to the applicant by the Corps.

1. **Applicant:** Name, address, and telephone number of the applicant (landowner) and contact persons.
2. **Project Location:** A legal description of the project location, including borrow and disposal sites, by quarter, section, township, and range. An enlarged copy of the appropriate portion of the U.S. Geological Survey topographic map for the area is the preferred method of specifying location information.
3. **Project Description:** A brief written description of the project including the primary purpose; composition and volume (cubic yards) of all fill material and areas of excavation; number and locations of project features, area of fill in waters of the U.S. and wetlands. If wetlands are to be filled with the project, the application must include a wetland delineation (see item 5 below); types and numbers of construction equipment to be used, total area of surface disturbance, including uplands; and any other pertinent information.
4. **Project Drawings:** Drawings of the project, preferably on 11" x 17" paper. Drawings must include at least a plan view of the creek, stream or river with all project features easily discernible on it. For projects which involve fills in wetlands, a baseline wetland delineation map showing existing wetland boundaries and water features.
5. **Wetland Delineation:** Projects which involve fills in wetlands must include a wetland delineation for the entire project area, including all wetland areas that could be impacted. Delineations must be completed by qualified individuals in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual dated January 1987 and any updates and supplements thereto. A list of wetland delineation consultants and more detailed information on delineation requirements is available upon request. Delineation maps must show all areas that meet the definition of wetland, as defined in the manual, and all other water features such as ditches, streams, ponds, and lakes.
6. **Photographs:** The applicant is encouraged to provide color photographs of the project area, especially typical wetland/upland boundaries, in order to facilitate permit processing.

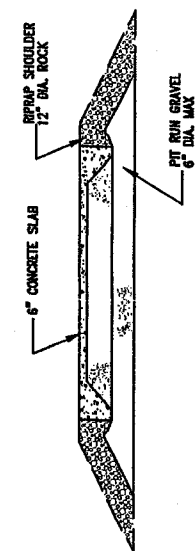


STATE WIDE

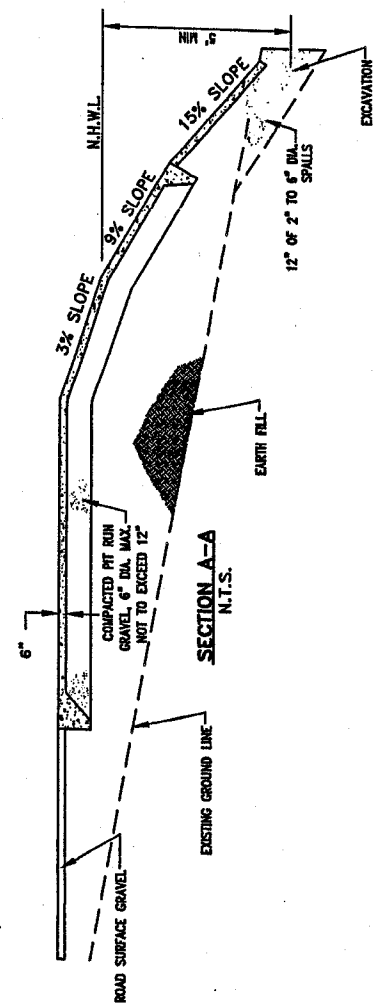


WYOMING GAME AND FISH DEPT.
DRAWING NO. 2
TYPICAL DOUBLE BOAT RAMP
PLAN VIEW

N.T.S.

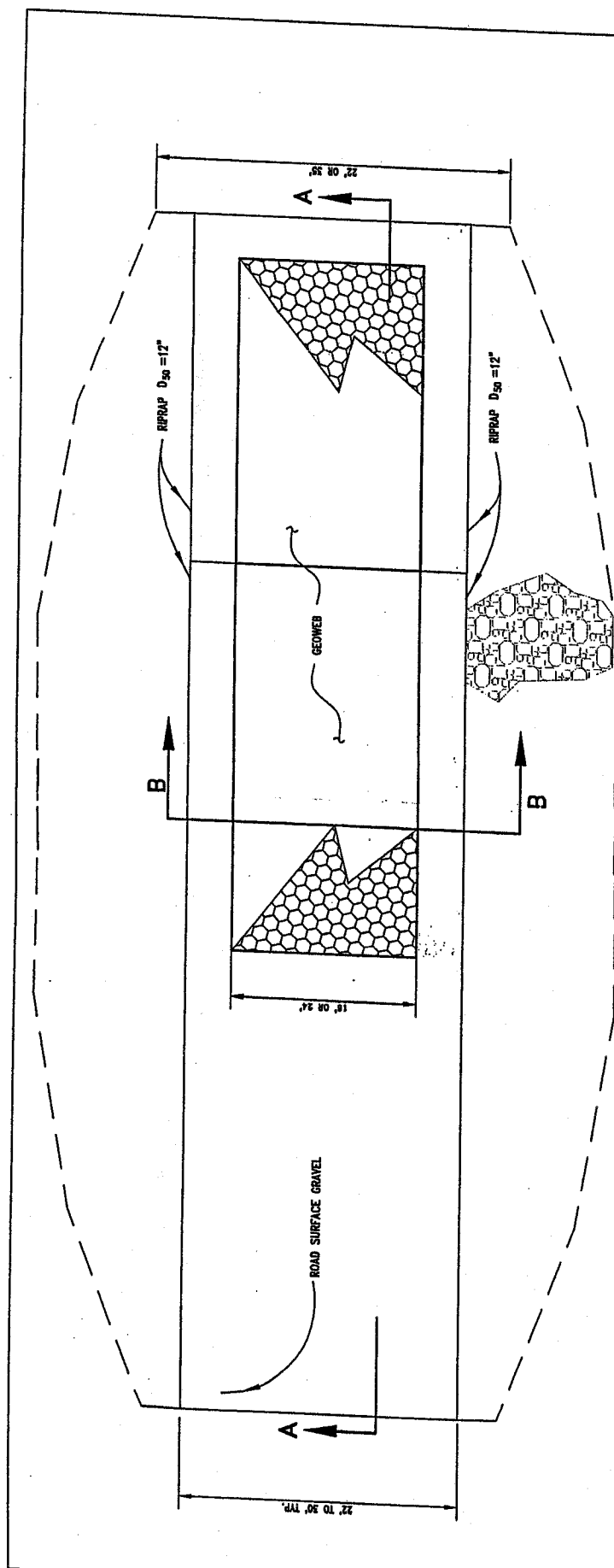


SECTION B-B
N.T.S.

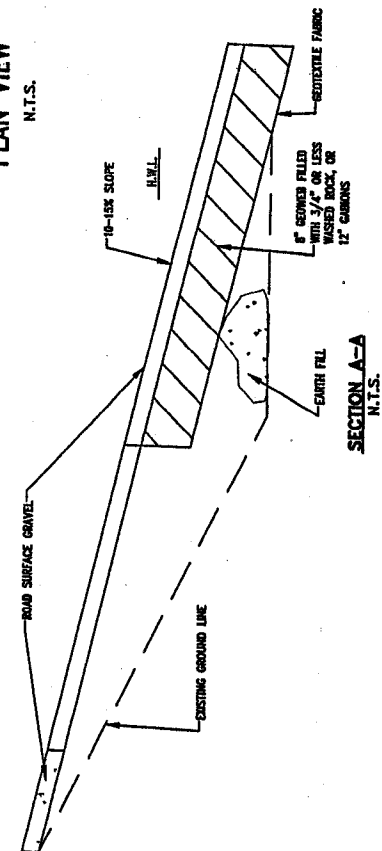
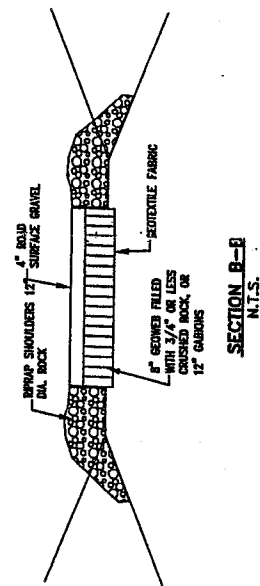


SECTION A-A
N.T.S.

STATE WIDE



WYOMING GAME AND FISH DEPT.
TYPICAL GEOWEB OR
GABION BOAT RAMP
DRAWING NO. 3
PLAN VIEW
N.T.S.



SECTION A-A
N.T.S.

SECTION B-B
N.T.S.



The State
of Wyoming



Department of Environmental Quality

Jim Geringer, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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September 5, 2002

Chandler Peter
Corps of Engineers, Omaha District
Wyoming Regulatory Office
2232 Dell Range, Blvd., Suite 210
Cheyenne, WY 82009-4942

RE: Certification of General permit number 199222002, construction of boat ramps in waters of the U.S. in the state of Wyoming (all water classifications), Wyoming

Dear Mr. Peter:

In accordance with the provisions of the state certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the application referenced above and offers the following comments regarding the proposed action.

The following conditions apply when operating equipment or otherwise undertaking construction in a water of the state:

- a. Construction equipment should not be operated below the existing water surface except as follows:

Fording the stream at one location is acceptable, however, vehicles and equipment should not push or pull material along the streambed below the existing water level. Work below the water which is essential for preparation of culvert bedding or footing installations is acceptable to the extent that it does not create turbidity in excess of the Chapter 1 Surface Water Standards or unnecessary stream channel disturbance. Frequent fording should not occur in areas where extensive turbidity will be created. In all cold water fisheries and drinking water supplies (Classes 1, 2AB, 2A, and 2B) in stream activities associated with this permit shall not increase turbidity by more than 10 nephelometric turbidity units (NTUs). In all warmwater or non-game fisheries (Classes 1, 2AB, 2A, 2B, and 2C) in stream activities associated with this permit shall not increase turbidity by more than 15 NTUs.

In accordance with Section 23(c)(2) of the Chapter 1 Surface Water Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) and (b) of the Standards in response to an individual application for a specific activity. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place.

- b. Any temporary crossings, bridge supports, cofferdams, or other structures that will be needed during the period of construction should be designed to handle high flows that could be anticipated during the construction period. All structures should be completely removed from the stream channel at the conclusion of construction and the area restored to a natural appearance.
- c. Care should be taken to cause only the minimum necessary disturbance. Streambank vegetation should be protected except where its removal is absolutely necessary for completion of the work.

Any vegetation, debris, or other material removed during construction must be disposed of at some location out of the stream channel or adjacent wetland areas where it cannot reenter the channel during high stream flow or runoff events.

All cut and fill slopes that will not be protected with riprap should be revegetated with appropriate species to prevent erosion.
- d. All fill material should be placed and compacted and subsequently protected from erosion. Areas to be filled should be cleared of all vegetation, debris, and other materials that would be objectional to the fill.
- e. The period and timing of construction should be adjusted as necessary to minimize conflicts with fish migration and spawning.
- f. Care must be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water. A spill contingency should be developed for all projects where a large amount of petroleum products or solvents will be stored on the project site, and must be prepared when storage of these materials exceeds the federal limits.

Other Related Water Quality Permitting Requirements

Erosion/Sediment Control: An NPDES storm water permit for construction activities will be required from the Wyoming Department of Environmental Quality (DEQ) before any surface disturbance takes place for any project that will clear, grade, or otherwise disturb five or more acres. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570.

The major requirements of the storm water general permit pertain to the development and implementation of a pollution prevention plan along with regular inspection of pollution control facilities. The permit is required for the surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, and equipment staging and maintenance areas.

Non-Storm Water Discharges: An NPDES discharge permit from DEQ may be required for point source discharges to surface waters not related to storm water runoff such as discharges from gravel crushing and washing operations, cofferdam or site dewatering, vehicle or machinery washing, or other material processing operations if they are conducted. Depending on the type of operation, the length of operation, and the type of discharge either a general temporary

Mr. Peter
September 5, 2002
Page 3

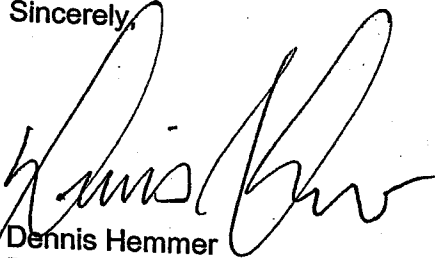
discharge permit or an individual discharge permit may be required. Please be advised that if an individual permit is required, processing will require at least 90 days. Contact Roland Peterson at 307-777-7090 for additional information.

SPCC (Spill Prevention Control and Countermeasures): If above ground storage of petroleum products exceeds 1,320 gallons in total or more than 660 gallons in a single tank an SPCC plan may have to be developed as provided for in the Environmental Protection Agency's Oil Pollution Prevention regulations (40CFR112). The Region 8 EPA office in Denver should be contacted for guidance.

According to the provisions of the state certification program for activities requiring dredge and fill permits from the U.S. Army Corps of Engineers, this office has reviewed the application referenced above and certifies this project is acceptable providing that construction is accomplished according to the recommendations stated above, the procedures for state certification are followed, and the Corps of Engineers or its contractor take reasonable care to ensure that all disturbed areas are protected from erosion. The Department also reserves the right to amend, modify, suspend, or revoke this certification or any of its terms or conditions as may be appropriate or necessary to protect water quality and associated beneficial uses.

Please be aware that this letter only constitutes state certification of this project as required by Section 401 of the Federal Clean Water Act and **is not an authorization to begin construction of this project.** This letter does not exempt the Corps of Engineers or its contractor from any other federal, state or local laws or regulations, nor does it provide exemption from legal action by private citizens for damage to property that the activity may cause.

Sincerely,



Dennis Hemmer
Director
Department of Environmental Quality

DH/GB/JML/bb/2-2834.ltr

cc: Tom Collins, Wyoming Game and Fish, Cheyenne
Rex Fletcher, EPA (8 EPR-EP), 999 18th Street, Suite 300, Denver, CO 80202
Michael Long, US FWS, 4000 Morrie Avenue, Cheyenne, WY 82001

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